

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RU-EL SAILOR,)	
)	CASE NO.: 1:20-CV-00660
Plaintiff,)	
)	JUDGE DAVID A. RUIZ
vs.)	
)	
CITY OF CLEVELAND, <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO EXTEND ALL
EXISTING DEADLINES**

Plaintiff Ru-El Sailor has moved to extend all case deadlines by three months. (ECF No. 99). Because Sailor has not shown good cause, and to prevent further harm, Defendants respectfully request that this Court deny the motion for an extension and dismiss the Complaint for the reasons stated in the unopposed Motion to Dismiss. In support of this relief, Defendants submit the following:

1. On July 17, 2024, Sailor's attorneys moved to withdraw as counsel of record in this case. (ECF No. 82).
2. On July 24, 2024, Sailor moved to extend all case deadlines by 90 days. (ECF No. 87). The Defendants did not oppose this request.
3. On July 25, 2024, Defendants filed a Motion to Dismiss the Complaint with Prejudice as a Sanction. (ECF No. 88). The motion was based on wide-ranging litigation misconduct by Sailor and his wife. (*Id.*).

4. On July 26, 2024, while their Motion to Withdraw was still pending, Sailor's attorneys asked the Court to stay briefing deadlines on the Motion to Dismiss so that Sailor could obtain new counsel. (ECF No. 90).

5. On September 18, 2024, the Court held an in-person hearing on the Motion to Withdraw. During that hearing—before the Court had rendered a decision—Sailor abruptly terminated his counsel's representation. (ECF No. 97). After cautioning Sailor on the risks of proceeding *pro se*, the Court granted Sailor an additional 90 days to respond to the pending Motion to Dismiss, with or without new counsel. (*Id.*). On the record, and in a subsequent written order, the Court emphasized that failure to substantively respond to the motion on or before December 17, 2024 “may be construed as a basis for dismissing the action.” (*Id.*).

6. Sailor did not respond to the Motion to Dismiss. On December 17, 2024, he moved to extend all case deadlines by an additional three months. (ECF No. 99). While he claims that he has been unable to retain new counsel, he stops short of explaining how a three-month extension would change his situation, and he offers no other information establishing good cause. (*Id.*).

7. Defendants object to extending case deadlines by an additional three months. Sailor has had ample opportunity to obtain new counsel and to respond to the pending motion to dismiss. At the eleventh hour, he seeks additional time to conduct “proper research of the case.” (*Id.*). But the Court warned him of this possibility three months ago, and he chose to terminate his attorneys notwithstanding. Setting aside the fact that Sailor *himself* is best situated to defend his own misconduct, Defendants have now spent nearly five years litigating a case that never should have been filed in the first place. An extension would only increase this harm.

CONCLUSION

For the foregoing reasons, and given the absence of good cause, Defendants respectfully request that the Court (1) deny Sailor's motion to extend and (2) dismiss the case for want of prosecution. In addition, Defendants respectfully request that the Court grant their unopposed motion to dismiss for the reasons stated in the accompanying memorandum (ECF No. 88-1).

Respectfully submitted,

MARK D. GRIFFIN (0064141)
Director of Law

By: s/ Dylan F. Ford
Elena N. Boop (0072907)
Chief Trial Counsel
William M. Menzalora (0061136)
Chief Assistant Director of Law
Matthew R. Aumann (0093612)
Dylan F. Ford (0101464)
Assistant Directors of Law
City of Cleveland, Department of Law
601 Lakeside Avenue E., Room 106
Cleveland, Ohio 44114
Tel: (216) 664-2670
wmenzalora@clevelandohio.gov
maumann@clevelandohio.gov
dford5@clevelandohio.gov

Attorneys for Defendant City of Cleveland

Kenneth A. Calderone (0046860)
John D. Latchney (0046539)
Hanna, Campbell & Powell
3737 Embassy Parkway, Suite 100
Akron, Ohio 44333
Tel: (330) 670-7602/(330) 670-7324
Email: kcalderone@hcplaw.net
Email: jlatchney@hcplaw.net

***Attorneys for Defendants Eugene Jones,
Henry Ververka, James Metzler, Harry***

*Matlock, Andrew Desatnik, Sahir Hasan,
Rick Farinacci, and Estate of James
Purcell*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 18, 2024, a copy of the above document was sent by certified mail to Plaintiff Ru-El Sailor at the following address:

Ru-El Sailor
549 E. 185th St.
Euclid, OH 44119

All other parties were served through the Court's electronic filing system.

s/ Dylan F. Ford
Dylan F. Ford

***One of the attorneys for Defendant City of
Cleveland***